

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas

ENTERED

September 06, 2018

David J. Bradley, Clerk

LONGWOOD CLUB MANAGEMENT, LLC, §

VS. §

CIVIL ACTION NO. 4:17-CV-1694

DEPOSITORS INSURANCE COMPANY; cp §
NATIONWIDE MUTUAL INSURANCE §
COMPANY, *et al*, §

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Movant Depositors Insurance Company's Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) (Doc. #18), and Magistrate Judge Stacy's Memorandum and Recommendation (Doc. #37) that the Court grant the Movant's Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) as to all claims. Plaintiff Longwood Club Management, LLC, did not file objections to the Memorandum and Recommendation.

Upon review, the Court agrees with the Magistrate Judge's conclusion that Longwood Interests LLC is not a party to the contract, not insured under the contract, and is not a third-party beneficiary to the contract. Accordingly, the Court hereby

ORDERS that the Memorandum and Recommendation (Doc. #37) is **ADOPTED**. Depositors Insurance Company's Motion to Dismiss Pursuant to Rules 12(b)(1) and 12(b)(6) (Doc. #18) is **GRANTED**.

SIGNED at Houston, Texas, this 5 day of September, 2018.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE